

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JUAN ORLANDO HERNANDEZ,

Defendant.

Case No. 15 Cr. 379 (PKC)

J
PROPOSED ORDER

WHEREAS, the Court and the parties seek to ensure that defendant Juan Orlando Hernandez (the “defendant”) has meaningful access to review discovery and other case materials while detained at the Metropolitan Detention Center, Brooklyn (“MDC”); and

WHEREAS, the Court seeks to ensure that such discovery access does not jeopardize the security and operational interests of the MDC Brooklyn;

IT IS HEREBY ORDERED that

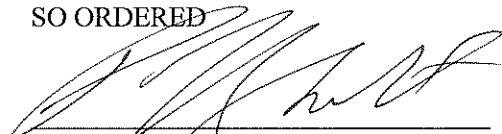
1. The defendant may have access to an “air-gapped” laptop computer (the “Laptop”) that is disabled from accessing the internet, local area networks, or other electronic devices;
2. Upon receipt of an acceptable laptop computer from counsel for the defendant, the Government shall (a) ensure that the laptop is appropriately “air gapped” and compatible with the MDC Brooklyn’s security requirements; (b) load the laptop with the non-sensitive discovery in this case; and (c) deliver the laptop to the proper authorities at the MDC Brooklyn at a reasonable time deem appropriate;
3. The Laptop shall be password-protected and maintained in a location acceptable to Bureau of Prisons personnel;
4. Bureau of Prisons personnel will provide the defendant with access to the Laptop Monday through Friday in the visiting room, for 10-15 hours per week;
5. This Order remains in effect until the trial in this matter is completed and a copy of

this Order shall be made available to the Unit Team/Floor where the defendant is housed;

6. The defendant shall execute an agreement setting forth his understanding that he may use the Laptop for the sole purpose of reviewing discovery and legal materials that relate to his criminal case, that he shall not share the Laptop or the materials loaded onto the Laptop with other inmates or with any attorney not appointed to this case without an order of this Court, that he will not access or attempt to access the internet or any form of wireless communication, and that he will forfeit his right under this Order to use the Laptop, and that he may expose himself to criminal prosecution for possessing or distributing a “prohibited object” as that term is defined in 18 U.S.C. § 1791(d) in the future, should he violate any of these understandings.
7. Within seventy-two hours of MDC Brooklyn’s receipt of the Laptop from the Government, the defendant shall receive access to the Laptop subject to the following conditions:
 - a. The defendant will be brought to the visiting room upon his request to the unit officer Monday through Friday (with an effort to provide the defendant access on a business day basis);
 - b. The defendant shall not have possession of any charging apparatus or cord that connects to the laptop.

Dated: New York, New York
January 23, 2024

SO ORDERED



The Honorable P. Kevin Castel
United States District Court
District of New York